UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

**NOTICE OF DOCUMENT DISCREPANCIES**

FILED
2008 AUG 29 AM 10: 38
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

TO: ☑ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE Whelan
FROM: R. Mullin, Deputy Clerk RECEIVED DATE: 8/18/2008
CASE NO.: 08cv1127 W (POR) DOCUMENT FILED BY: Petitioner
CASE TITLE: Simmons v. Davis
DOCUMENT ENTITLED: Declaration

Upon the submission of the attached document(s), the following discrepancies are noted:

| ✓ | *Local Rule* | *Discrepancy* |
|---|---|---|
| ☐ | 5.1 | Missing time and date on motion and/or supporting documentation |
| ☐ | 5.3 | Document illegible or submitted on thermal facsimile paper |
| ☐ | **5.4** | **Document not filed electronically. Notice of Noncompliance already issued.** |
| ☐ | 7.1 or 47.1 | Date noticed for hearing not in compliance with rules/Document(s) are not timely |
| ☐ | 7.1 or 47.1 | Lacking memorandum of points and authorities in support as a separate document |
| ☐ | 7.1 or 47.1 | Briefs or memoranda exceed length restrictions |
| ☐ | 7.1 | Missing table of contents |
| ☐ | 15.1 | Amended pleading not complete in itself |
| ☐ | 30.1 | Depositions not accepted absent a court order |
| X | | **Supplemental documents require court order** |
| ☐ | | Default Judgment in sum certain includes calculated interest |
| ☐ | | OTHER: |

**Date forwarded:** 8/19/2008

**ORDER OF THE JUDGE / MAGISTRATE JUDGE**

**IT IS HEREBY ORDERED:**

☐ The document is to be filed nunc pro tunc to date received.

☑ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☒ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: W

Dated: 8/28/08
cc: All Parties

By: [signature]

K:\COMMON\FORMS\CIVCRM35.WPD
Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

MC-030

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name and Address)*: CARL DWAYNE SIMMONS [dob 8/24/71] CDC #E-96088
Wasco State Prison - Reception Center
701 Scofield Avenue
P.O. Box 8800
Wasco, CA 93280-8800
TELEPHONE NO.: (661)758-8400
ATTORNEY FOR *(Name)*: Carl Simmons E-96088

RETURN SERVICE REQUESTED

REJECTED

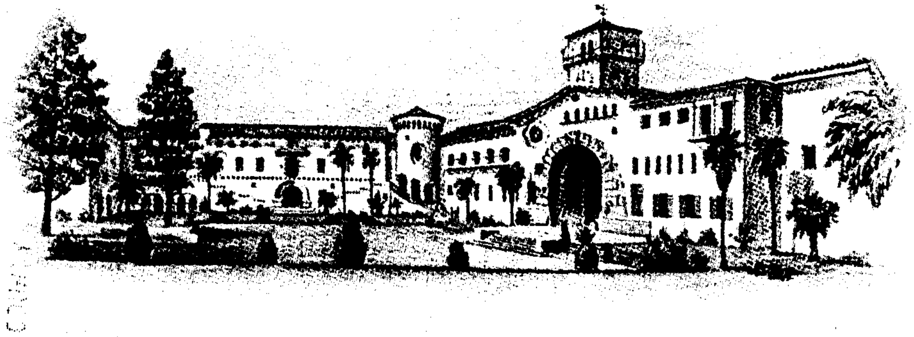
NAME OF COURT: UNITED STATES DISTRICT COURT
STREET ADDRESS: Fed. Office Bldg.
MAILING ADDRESS: 880 Front St., Ste. 4290
CITY AND ZIP CODE: San Diego CA 92101-8900
BRANCH NAME: Thomas J. Whelan 'equitable assignment,' (619) 557-6625

PLAINTIFF/PETITIONER: Carl Simmons,

DEFENDANT/RESPONDENT: Davis,

# DECLARATION

CASE NUMBER: 08-1127 W (POR)



I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 08/05/2008

CARL DWAYNE SIMMONS CDC #E-96088
(TYPE OR PRINT NAME)

[signature]
(SIGNATURE OF DECLARANT)

☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Attorney
☒ Other *(specify)*: D052478 [271 Cal. Rptr. 893].

(See reverse for a form to be used if this declaration will be attached to another court form before filing)